

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>NEWSPRING MEZZANINE CAPITAL II, L.P.,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>No. 14-1706</b>
	:	
<b>BAXTER MCLINDON HAYES, JR. et al.,</b>	:	
<b>Defendants.</b>	:	

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**MCHUGH, J.**

**DECEMBER 23, 2016**

**ORDER**

This 23rd day of December, 2016, upon consideration of (1) Plaintiff NewSpring Mezzanine Capital II, L.P.’s Motion for Summary Judgment (ECF No. 269), and the responses and the replies thereto; (2) Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes’s Motion for Summary Judgment (ECF No. 263), and the responses and replies thereto; (3) Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.’s Motion for Summary Judgment as to Certain Claims (ECF No. 266), and the responses and replies thereto; (4) Counterclaim Defendants NewSpring Mezzanine Capital II, L.P., Steven Hobman, and Amy Christensten’s Motion for Summary Judgment (ECF No. 268), and the responses and the replies thereto; (5) Defendant Utilipath LLC’s Motion for Summary Judgment as to Certain Crossclaims (ECF No. 265); and (6) Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes’s Motion for Summary Judgment as to Certain Crossclaims (ECF No. 264), and Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.’s identical Motion (ECF No. 267), it is hereby **ORDERED** that:

1. Plaintiff NewSpring's Motion for Summary Judgment (ECF No. 269) is **DENIED** in its entirety.
2. Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's Motion for Summary Judgment (ECF No. 263) is **GRANTED** as to Counts IV and X, and **DENIED** as to the remaining counts.
3. Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s Motion for Summary Judgment as to Certain Claims (ECF No. 266) is **GRANTED** as to Counts IV and X, and **DENIED** as to the remaining counts.
4. Counterclaim Defendants NewSpring Mezzanine Capital II, L.P., Steven Hobman, and Amy Christensen's Motion for Summary Judgment (ECF No. 268) is **DENIED** in its entirety.
5. Defendant Utilipath LLC's Motion for Summary Judgment as to Certain Crossclaims (ECF No. 265) is **DENIED**.
6. Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's Motion for Summary Judgment as to Certain Crossclaims (ECF No. 264), and Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s identical Motion (ECF No. 267) are both **GRANTED**.

/s/ GERALD AUSTIN MCHUGH

Gerald Austin McHugh  
United States District Judge